UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/303,464	04/30/1999	STEVEN J. SISTARE	P3949	8397

7590   10/18/2005

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EXAMINER
HO, ANDY

ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/303,464	SISTARE ET AL.
	Examiner	Art Unit	
	Andy Ho	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>29 July 2005</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-15</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1. In view of the appeal brief filed on 7/29/2005, PROSECUTION IS HEREBY
REOPENED. Responsive to Applicant's arguments, new grounds of rejection are set
forth below.

To avoid abandonment of the application, appellant must exercise one of the
following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply
under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied
by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130,
1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 1-15 have been examined and are pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

> (a) A patent Inakoshi not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be patented
> and the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4, 6-9 and 11-14 are rejected under 35 U.S.C. 103(a) as being
unpatentable over George U.S Patent No. 4,965,718.

As to claim 1, George teaches a system for controlling co-scheduling of
processes (multiprocessing system, lines 29-31 column 6) in a computer comprising

at least one process (a requesting processing element, line 29 column 11) and a
memory directive operative (memory directive operative uses to monitor the status, lines
9-18 column 1, lines 5-9 column 5, lines 4-57 column 15), the process, when it is waiting
for a flag to change condition, transmit a flag monitor request (CAN directive, lines 28-
47 column 11) to the memory directive operative (monitoring flag, lines 4-57 column 15)
and de-schedule itself (switch to an alternate task, lines 58-62 column 12); the memory
directive operative, after receiving the flag monitor request monitor the flag and, after
the flag changes condition (monitor the status, lines 9-18 column 1, lines 5-9 column 5,
lines 4-57 column 15), enable the process to be scheduled for execution (reactivated,
line 63 column 13 to line 6 column 14) by the computer.

George does not explicitly teach a spin daemon. However, as disclosed above,
George's memory directive operative performs the functions of monitoring the flag and
informing the requesting processing element to be re-scheduled for execution. Since
George's memory directive operative could perform the same functions as the spin
daemon as claimed, one of ordinary skill in the art would conclude that George's
memory directive operative is in fact the spin daemon as claimed.

As to claim 2, George as modified further teaches spin daemon is configured to
monitor a plurality of flags, each in response to a flag monitor request, the spin daemon

maintaining a list identifying those flags it is to monitor, the spin daemon being further configured to, when it receives a flag monitor request, add an identification of a flag associated with the request to the list (monitoring multiple flags, line 4 column 15 to line 31 column 16, Fig. 4).

As to claim 3, George as modified further teaches the flags are contained in a memory segment (flags within the shared memory, Fig. 4), the spin daemon being configured to enable the at least one process to be re-scheduled following a change of condition of any flag in said memory segment (monitoring the status of flags and informing the processes, line 4 column 15 to line 31 column 16, Fig. 4).

As to claim 4, George as modified further teaches at least one process is configured to register with said spin daemon (register the CAN directive with the memory directive operative, lines 28-47 column 11), during registration the at least one process being configured to provide the spin daemon with an identifier for the memory segment (memory address, lines 36-39 column 11), the spin daemon being configured to provide a handle, the at least one process being configured to use the handle in the flag monitor request (line 4 column 15 to line 31 column 16, Fig. 4).

As to claims 6-9, they are method claims of claims 1-4, respectively. Therefore, they are rejected for the same reasons as claims 1-4 above.

As to claims 11-14, they are computer program product claims of claims 1-4, respectively. Therefore, they are rejected for the same reasons as claims 1-4 above.

4. Claims 5, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over George in view of Peacock U.S Patent No. 6,601,111.

As to claim 5, George does not explicitly teach the process and the spin

daemon are configured to communicate over a socket. Peacock (lines 18-25 column 1)

teaches a system of communication between processes wherein sockets are being

used to do so. It would have been obvious to apply the teachings of Peacock to the

system of George because by using the sockets, the system allows the processes to

commute using messages as disclosed by Peacock (lines 18-25 column 1).

As to claim 10, it is a method claim of claim 5. Therefore, it is rejected for the

same reason as claim 5 above.

As to claim 15, it is a computer program product claim of claim 5. Therefore, it

is rejected for the same reason as claim 5 above.

Response to Arguments

5. Applicant's arguments filed 7/29/2005 have been fully considered but are

moot in view of the new ground(s) rejection.

Applicant's arguments presented issues which required the Examiner to further

view the previous rejection. The Examiner conducted a further search regarding the

issues mentioned in Applicant's response. Therefore, all arguments regarding the cited

references of the previous rejection are moot in view of the new grounds of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or' Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents
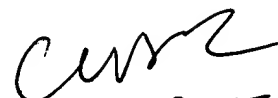
P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.

- OFFICAL faxes must be signed and sent to (571) 273 - 8300.

- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

A.H
October 14, 2005